



ABRAHAM, FRUCHTER & TWERSKY, LLP

February 14, 2023

Hon. Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, N.Y. 10007

Re: *In re Bed Bath & Beyond Inc. Section 16(b) Litigation*, No. 22 Civ. 9327 (S.D.N.Y.)

Dear Judge Gardephe:

I am counsel for Plaintiff Todd Augenbaum and write with respect to the letter just filed by Defendant RC Ventures with the Court.

Yesterday evening, Plaintiff Cohen filed an amended complaint in this consolidated action. RC Ventures then requested that Plaintiff Augenbaum agree to an extension of time with respect to the briefing on the motion to dismiss his complaint. I informed Defendants at that time that I would respond to RC Ventures' request this morning.

At approximately 10:43 a.m., approximately one-half hour before RC Ventures filed its letter with the Court, Plaintiff Augenbaum responded to that request by email, a copy of which is attached as Exhibit A. The sum and substance of Plaintiff Augenbaum's response is that any filing in Plaintiff Cohen's action should have no impact on any motion to dismiss Plaintiff Augenbaum's action but that, as courtesy, Plaintiff Augenbaum would agree to the extension provided that any subsequent action taken by Plaintiff Cohen did not serve to further delay the briefing on any motion to dismiss.

Since that time, Plaintiff Cohen has stated in an email, which is attached hereto as Exhibit B, that if Plaintiff Augenbaum amends his complaint in response to RC Ventures' motion to dismiss, she will object to any extension of the briefing schedule in her action.

Respectfully submitted,

Jeffrey S. Abraham